THE HIGH COURT OF UTTARANCHAL
AT NAINITAL.

Civil Revision No. 10 of 2006 (Defective)

Mohd. Ahmad S/O Sri Maqboul Ahmad, R/o Village Barakhera, Tehsil Gadarpu, District Udham Singh Nagar.

… Revisionist.

Versus

1. State of Uttaanchal through collector Nainital.
2. U.P. Awas Evam Vikas Parishad, 104, Mahatma Gandhi Marg, Lucknow, through the Housing Commissioner.
3. District magistrate, Nainital. …….. Respondent.

Hon'ble B.S. Kandpal, J.

Heard learned counsel on the application for condo nation of delay. There has been delay of 85 days in filing the revision. Grounds stated in the affidavit are sufficient to condone the day in filing the revision. Delay is condoned. Admit the revision. Both the parties are ready to argue the case on merit today.

This revision petition has been field for setting aside the order dated 16-5-2006 passed by the District Judge, Nainital in Land Acquisition Case NO. 210 of 1986 and Misc. Case No. 4 of 2004, Mohd, Ahmaid Vs. Collector Nainital.

The learned counsel for the revisionist has submitted that the District Judge has not given any opportunity to the revisionist before ordering him to deposit the amount in question as per notice dated 16-5-2006. According to the revisionist, full and final payment of the amount has not so far been made to him by way of repayment voucher of Rs. 26,87,129/-. Undisputedly, the

Revisionist has not been heard before passing the order impugned by the District Judge. Learned counsel has confined his prayer that liberty be given to the revisionist to file objection before the learned District Judge. The prayer is innocuous.

The revisionist is given liberty to file objection against the impugned notice and the learned District Judge after hearing both the parties, shall decide the objection of the revisionist before passing further order in the matter.

With the above observation, the revision is disposed of finally.

(B.S. Verma, J.)

14-11-2006.
RCP